

## RULEMAKING NOTICE

Notice Number _____	Rule Number _____	Env-A 904.03, 904.04 & 907.02(g)
1. Agency Name & Address:  NH Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority:	RSA 125-C:4, I(k)
	3. Federal Authority:	42 U.S.C. 7511a
	4. Type of Action:	
	Adoption	_____
	Amendment	<b>X</b>
	Repeal	<b>X</b>
	Readoption	_____
	Readoption w/amendment	<b>X</b>

5. Short Title: VOC Recordkeeping for Surface Coating and Printing Operations; Emission Based Fee

6. (a) Summary of what the rule says and of any proposed amendments:

The existing rules, Env-A 900, establish recordkeeping and reporting requirements for owners of stationary sources, area sources, and devices that are regulated under RSA 125-C and/or RSA 125-I. Existing requirements include (1) maintaining records of production and operation, (2) maintaining records of actual emissions of air pollutants, (3) periodically providing reports of actual operations and emissions and, for Title V sources, compliance status to DES, and (4) recordkeeping and reporting obligations for sources when deviations from their permit conditions occur. The required records are necessary for facilities to demonstrate that they are operating within their permit limits and otherwise are complying with applicable requirements.

After the rules were readopted with amendments, effective July 18, 2015, DES was advised by stakeholders in the surface coating and printing industries that the existing VOC recordkeeping requirements were inconsistent with standard industry product labeling practices, resulting in more recordkeeping than was necessary for certain sources to demonstrate compliance with applicable VOC requirements. The amendments to Env-A 904.03, on VOC recordkeeping, and the repeal of 904.04, on the format for recording information, would resolve this issue by making the rules consistent with standard industry labeling practices.

Env-A 907.02, on annual emissions recording requirements, is also proposed to be amended to clarify that CO<sub>2</sub>e and condensable total PM are exempt from the emission based fee provisions in Env-A 705. Currently emissions for both CO<sub>2</sub>e and condensable total PM are required to be reported by EPA. However, the amounts of each of these emissions are so high that the fees would be excessive so they have never been required. The proposed amendment to Env-A 907.02 would clarify that those emissions are not subject to the emission based fee.

6. (b) Brief description of the groups affected:

These rules affect owners or operators of stationary sources, area sources and devices that perform offset lithographic and letterpress printing and owners or operators of sources that emit CO<sub>2</sub>e and condensable total PM.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented	Federal Statute/Regulation Implemented
Env-A 904.03	RSA 125-C:6, XI	42 U.S.C. 7511a
Env-A 904.04 [repealed]		
Env-A 907.02(g)	RSA 125-C:6, XI	42 U.S.C. 7511a

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7. Contact person for copies and questions including requests to accommodate persons with disabilities:

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The rules also can be viewed in PDF at

<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, September 23, 2016**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, September 16, 2016 at 11:00 AM**

Place: **Room 110, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS #16:146 , dated 07/27/2016:

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules may decrease costs to State citizens, political subdivisions and independently owned businesses by an indeterminable amount.

**2. Cite the Federal mandate. Identify the impact on state funds:**

There is no specific federal mandate. New Hampshire is required by the Clean Air Act to file a State Implementation Plan (SIP), which identifies how the state will comply with federal air quality standards. The SIP contains the recordkeeping and reporting requirements included in Env-A 900. Under Section 179 of the Act, if the state does not maintain its requirements the EPA can withhold all or part of certain grant funds, can sanction federal highway funding, and can impose a 2:1 emissions offset ratio. The Department receives approximately \$1.4 million from the affected grant.

**3. Cost and benefits of the proposed rule(s):**

The proposed rules are expected to reduce costs by an indeterminable amount by reducing the recordkeeping requirements for surface coating and printing industry sources. A political subdivision, a State citizen, or an independently owned business that owns or operates a source or device that is required by RSA 125-C to have a permit should realize cost savings.

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

See 3 above.

**C. To independently owned businesses:**

See 3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The rules apply to owners or operators of sources or devices that perform offset lithographic and letterpress printing that are required by RSA 125-C or RSA 125-I to have a permit and to owners or operators of sources that emit CO<sub>2</sub>e and condensable total PM that are required by RSA 125-C or RSA 125-I to have a permit. Any political subdivision that owns or operates a source or device that is required by RSA 125-C or RSA 125-I to have a permit should realize cost savings if the proposed rules are adopted. Thus, the rules do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.